

## Freedom of the Press

Kuwait's political crisis—a conflict between the legislative body and the cabinet appointed by the emir that led to shutdowns of media outlets and arrests of social-media users in 2012—continued into 2013, maintaining several challenges for Kuwait's relatively open media environment.

Freedoms of speech and of the press are protected under Articles 36 and 37 of the constitution, but only “in accordance with the conditions and in the circumstances defined by law,” which weakens the power of this provision. Although the Press and Publications Law, revised in 2006, also extends some important protections to the media, it prohibits the publication of material that insults God, the prophets, or Islam. It also forbids criticism of the emir, the disclosure of secret or private information, and statements calling for the overthrow of the regime. Penalties for criticizing Islam were increased under the 2006 amendments, and the offense now draws up to one year in prison and fines of up to 20,000 dinars (\$70,500). Meanwhile, Article 25 of the penal code penalizes public criticism of the emir, with penalties of up to five years in prison. Violations are reported frequently, as any citizen may initiate criminal charges against an individual who they believe has committed an offense under the press law. One such case was brought against journalist Ayyad Khaled al-Harbi in November 2012 under Article 25 for insulting the emir on the microblogging site Twitter. Al-Harbi appealed his case, arguing that Article 25 is in violation of press freedom protections found in the Kuwaiti constitution. In July 2013, in honor of the end of Ramadan, Emir Sheikh Sabah al-Ahmad al-Sabah granted amnesty to all those who had been incarcerated for insulting him on Twitter. However, al-Harbi, who was still in the midst of legal proceedings at the time of the amnesty, saw the Constitutional Court rule against his appeal on December 2, 2013, upholding his two-year prison sentence.

The government aggressively enforced the Press and Publications Law during 2013, also prosecuting citizens for internet-related offenses on social media platforms, and often pursuing these cases in conjunction with other criminal charges. In January, the privately owned television outlet Scope TV was shut down for two months and four of its staff members were fined 1,000 dinars (\$3,500) after the broadcast of a story on the politically powerful Mutairi tribe. Defamation charges also continue to be used against journalists and other citizens. In April 2013, opposition leader Mussalam al-Barak was convicted of insulting the emir in a 2012 speech, and sentenced to five years in prison. Several media workers and journalists were investigated and faced defamation charges for reporting on, and quoting from, al-Barak's speech, which contained the line “Your Highness, we will not let you govern autocratically.” Rima al-Baghdady and Ahmad al-Enezi, two journalists for the opposition-affiliated television station Al-Youm, along with Al-Youm's chief executive and one of its news directors, were charged in April for reporting on the opposition's criticism of the emir's attempts to change Kuwait's electoral laws.

A highly restrictive draft media law intended to replace the 2006 Press and Publication Law and the 2007 Audio-Visual Media Law was adopted by the cabinet in April 2013. The law involved drastically increasing fines for media law violations such as insults to the emir or crown prince from 20,000 dinars to 300,000 dinars (\$1.06 million). The bill also proposed restricting coverage of elections, preventing the media from publishing any news items that could potentially damage a candidate's campaign. It also would have required online news sources to obtain licenses similar to other types of media and allowed the Ministry of Information (MOI) to shut down news websites. However, the law was shelved by the prime minister before it was passed by the National Assembly. Kuwait does not have any provisions guaranteeing the right to

access official information.

All publishers are required to obtain an operating license from the MOI to launch a daily newspaper, and the 2006 press law requires capital of at least 250,000 dinars (\$893,000) to establish a paper. However, the MOI's regulatory power is subject to some limits because it must issue the license or provide an explanation for its refusal within 90 days of application, and refusals can be appealed in court. Media licenses, once given, may not be revoked without a court order. The previous two years have seen several cases of closures of broadcast outlets. In September 2012, the new opposition-affiliated television station El-Nahg was shut down 24 hours after its launch. In December 2013, the MOI shut down the Al-Youm television station and revoked its broadcasting permit for "failing to meet administrative conditions." Some activists as well as members of parliament asserted that the shutdown was a result of the outlet's coverage of corruption and its favorable portrayal of the political opposition.

The authorities monitor internet communications for defamation and security threats, and the Ministry of Communications (MOC) blocks websites that are suspected of "inciting terrorism and instability." In 2013, Twitter users continued to be subject to arrest for insulting the emir, although on July 31, Sheik Sabah al-Ahmed al-Sabah pardoned all of those serving sentences of up to five years for this offense.

The MOI can censor all books, films, and periodicals it deems morally offensive. However, in practice, it does not regularly interfere with or restrict access to news, and the Kuwaiti media sector is considered more critical and outspoken than many others in the region. More in-depth reporting and a greater diversity of opinions appear in newspapers than in broadcast media. Nevertheless, given the restrictions in the press law and an atmosphere of increased governmental intolerance toward critical reporting, journalists on all platforms continue to practice self-censorship, as failure to do so often results in reprisals. In addition to legal and regulatory penalties, journalists and media outlets occasionally face physical harassment.

International news is widely available, and a number of foreign media outlets maintain bureaus in Kuwait. News sources originating outside Kuwait must be reviewed by the MOI before circulation. The MOI screens all imported media for morally offensive content, and controls the publication and distribution of all materials classified as informational. The government exercised its right to regulate foreign media in 2010 by closing the Kuwait City bureau of Al-Jazeera, the Qatar-based satellite television channel, in reprisal for the station's coverage of police brutality at an unauthorized demonstration against proposed amendments to the constitution, and for its airing of an interview with an opposition lawmaker. However, the bureau reopened in 2012.

Fourteen Arabic- and three English-language newspapers circulate in Kuwait, all of which are privately owned, largely independent, and diverse in their reporting. Private media have relatively transparent ownership and their own presses, and they are free to set their own prices. The state owns nine local radio stations and five television stations. However, there are now 16 privately owned television stations, and satellite dishes are common. Although the advertising market remains limited, it continues to grow, thanks in part to an increase in advertising agencies. Wage levels for journalists at both state and private media are not high enough to discourage occasional bribery to influence coverage. Relatively low salaries have also dissuaded Kuwaiti nationals from pursuing journalism as a profession, meaning many local media workers are noncitizens.

About 75 percent of the population used the internet in 2013, and the government continued to debate how best to regulate this increasingly popular medium. The state requires all internet service providers to install and operate systems to block websites carrying material that is deemed anti-Islamic, extremist, or pornographic, as well as certain types of political websites. However, the blocking policies are not always clear or consistent. Internet café owners are required to record the identities of customers and turn over the information if requested by the MOC.

## **2014 Scores**

### **Press Status**

Partly Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

59

### **Legal Environment**

**(0 = best, 30 = worst)**

20

### **Political Environment**

**(0 = best, 40 = worst)**

23

### **Economic Environment**

**(0 = best, 30 = worst)**

16